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**TRANSMITTAL
FORM**

(to be used for all correspondence after initial filing)

TRANSMITTAL FORM <i>(to be used for all correspondence after initial filing)</i>	Application Number	09/900,057	
	Filing Date	Jul 6, 2001	
	First Named Inventor	Sheabar, et al.	
	Art Unit	1654	
	Examiner Name	P. Leith	
Total Number of Pages in This Submission	4	Attorney Docket Number	4532659/29930 (KEM 48)

ENCLOSURES (Check all that apply)

<input checked="" type="checkbox"/> Fee Transmittal Form <input checked="" type="checkbox"/> Fee Attached <input type="checkbox"/> Amendment / Reply <input type="checkbox"/> After Final <input type="checkbox"/> Affidavits/declaration(s) <input type="checkbox"/> Extension of Time Request <input type="checkbox"/> Express Abandonment Request <input type="checkbox"/> Information Disclosure Statement <input type="checkbox"/> Certified Copy of Priority Document(s) <input type="checkbox"/> Response to Missing Parts/ Incomplete Application <input type="checkbox"/> Response to Missing Parts under 37 CFR 1.52 or 1.53	<input type="checkbox"/> Drawing(s) <input type="checkbox"/> Licensing-related Papers <input checked="" type="checkbox"/> Petition <input type="checkbox"/> Petition to Convert to a Provisional Application <input type="checkbox"/> Power of Attorney, Revocation <input type="checkbox"/> Change of Correspondence Address <input type="checkbox"/> Terminal Disclaimer <input type="checkbox"/> Request for Refund <input type="checkbox"/> CD, Number of CD(s) _____	<input type="checkbox"/> After Allowance communication to Technology Center (TC) <input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences <input type="checkbox"/> Appeal Communication to TC (Appeal Notice, Brief, Reply Brief) <input type="checkbox"/> Proprietary Information <input type="checkbox"/> Status Letter <input checked="" type="checkbox"/> Other Enclosure(s) (please identify below): <div style="border: 1px solid black; padding: 2px; margin-top: 5px;">Check & Return Postcard</div>
Remarks		

SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT

Firm or Individual name	Kent A. Herink
Signature	
Date	July 2, 2004

CERTIFICATE OF TRANSMISSION/MAILING

I hereby certify that this correspondence is being facsimile transmitted to the USPTO or deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on the date shown below.

Typed or printed name	Jeri D. Krutsinger		
Signature		Date	July 2, 2004

This collection of information is required by 37 CFR 1.5. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 2 hours to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:)
Kemin Industries, Inc.) Group Art Unit: 1654
Serial No.: 09/900,057)
Filed: July 6, 2001)
For: Method for Controlling the Yield)
And Purity of Proteinase Inhibitor II)
During Extraction)

Mail Stop: Petitions
Commissioner for Patents
Washington, DC 20231

**PETITION TO REVIVE ABANDONED APPLICATION UNDER THE
PROVISIONS OF 37 C.F.R. §1.137(a)**

Dear Sir:

Applicant respectfully petitions that the above-identified patent be revived under the provisions of 37 C.F.R. §1.137(a) on the grounds that the entire delay and subsequent abandonment of the above-identified application was unavoidable. A Final Rejection was mailed on November 4, 2003. Applicant filed an Amendment on January 7, 2004 and, on the same day, filed a Petition to Add a Cross-Reference under Rule 78. According to the Patent Office's website, the Amendment was not received by the Examiner until May 26, 2004. Applicant's last day to file a timely reply, including all possible extensions, was May 4, 2004. The Applicant's time to reply expired before the Examiner ever received the Amendment filed on January 7, 2004.

In addition, the Petition to Add a Cross-Reference under Rule 78 has never been acted on, and the Applicant respectfully requests that the Rule 78 petition be granted.

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The entire delay and subsequent abandonment of the above-identified application was entirely due to delay at the Patent Office, and was thus unavoidable.

Accordingly, the Applicant respectfully requests that this petition be granted, and that the application be reinstated. Applicant enclosed the petition fee of \$110.

Respectfully submitted,

Date: July 1, 2004



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ATTORNEYS FOR APPLICANT

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to:
Assistant Commissioner for Trademarks, 2900
Crystal Drive, Arlington, Virginia 22202-3513, on
7-2-04

By Jeri D. Krutinger